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OFFICE OF PETITIONS

In re Application of :
Klotz, Jr., et al. :
Application No. 09/192,014 : ON PETITION
Filed : November 13, 1998 :
Attorney Docket Number: :
D/98703 :

This is a decision in response to the petition under 37 CFR 1.137(b), filed October 6, 2005, to revive the above-identified application.

The petition is **granted**.

The above-identified application became abandoned for failure to reply in a timely manner to the final Office action, mailed July 2, 2003. The Notice set a shortened statutory period for reply of three (3) months from the mail date of the Notice, and also provided for extensions of time under 37 CFR 1.136(a).


Applicant filed an appeal to the Board of Patent Appeals and Interferences, which affirmed the Examiner in a Decision mailed May 16, 2005. Proceedings in the application were terminated, and because the period for seeking court review of the Board's decision has expired, and because no claims were allowed, the application stands abandoned. A Notice of Abandonment was mailed on August 2, 2005.

With the instant petition Applicant has filed a Request for Continued Examination ("RCE") and a submission in the form of an Amendment with the RCE.

Having found that all of the requirements for a grantable petition under 37 CFR 1.137(b) have been met, **this petition is hereby granted**. See, 37 CFR 1.198 and MPEP 1214.07.

This application is being returned to Technology Center 2176 for processing of the RCE and Amendment.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3232.


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Office of Petitions